



State of Oklahoma
Oklahoma Department of Agriculture, Food, and Forestry

Policies and Procedures
Drug and Alcohol Free Workplace

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Approved: Jim Reese	Approval Date: 12/21/2018

Reference: 41 U.S.C. § 8101 et seq., [40 O.S. § 551 et seq.](#) and [Merit Rules](#).

A. Drug and Alcohol Free Workplace

ODAFF is a drug and alcohol free workplace. All agency employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, using, or being under the influence of a controlled substance or alcohol during scheduled work hours; while operating a State vehicle; or on State property. Employees who are under the influence or possess alcohol or illegal drugs in the workplace or otherwise violate this policy will be subject to discipline up to and including termination.

B. Definitions

"Alcohol" - Means any intoxicating beverage or liquor.

"Controlled Substance" - Means a controlled substance in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by regulations at 12 CFR 1300.11 through 1300.15. Controlled Substances include but are not limited to: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

"Conviction" - Means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

"Workplace" - Means any and all properties owned or leased by the State including buildings, land and vehicles; and physical sites not owned or leased by the State where employees of the State oversee and/or administer programs on behalf of the State Government.

C. Alcohol and Drug Use

The legal use of prescribed drugs is permitted on the job only if they do not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Consuming or being under the influence of alcohol or controlled substances are not permitted during scheduled work hours, while operating a State vehicle, or on State property. Violations may lead to disciplinary actions up to and including immediate termination. Violations may also have legal consequences including arrest and criminal penalties.

Employees with drug or alcohol addiction that have not resulted in and are not the immediate subject of disciplinary action may request approval to take leave (paid or unpaid) to participate in a rehabilitation or treatment program. Employees with questions or concerns about substance and alcohol dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Employees may also wish to discuss the matter with their supervisor to receive assistance or referrals to the appropriate resources.

An employee must notify ODAFF of any criminal conviction for any drug related activity occurring during employment. The report must be made within five (5) days of the conviction.

D. Alcohol and Drug Testing

ODAFF reserves the right to test employees for drug or alcohol use in the manner permitted by Standards for Workplace Drug and Alcohol Testing Act, [40 O.S. § 551 et seq.](#) et seq. Any employee may be required to submit to an alcohol or drug test for any reason(s) described in [40 O.S. § 554](#). The Commissioner of Agriculture may also require that applicants for employment at ODAFF undergo alcohol or drug testing as a condition of employment. ODAFF will pay the costs of any required testing.

ODAFF may employ any testing method or collection procedure authorized by the State Board of Health or permitted by [40 O.S. § 557](#). Refusal to undergo testing or a positive test result may result in discipline up to and including termination. However, employees shall be given the opportunity to explain a positive test result, in confidence. Employees may request a copy of test results from ODAFF or from the testing facility.

Records of all drug and alcohol test results and related information maintained by ODAFF may be released as admissible evidence by an employer or the individual tested in a case or proceeding before a court of record or administrative agency if either ODAFF or the individual tested are named parties in the case or proceeding; in order to comply with a valid judicial or administrative order; or to ODAFF's employees, agents, and representatives who need access to such records in the administration of the Standards For Workplace Drug and Alcohol Testing Act.

Appeals from any disciplinary action resulting from this policy may be pursued through the grievance process.

[Policy ODAFF-11: Grievance Process](#)